EV374926656US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Before The Trademark Trial and Appeal Board

PUCEL ENTERPRISES, INC.)))
Opposer/Petitioner,) Opposition No. 123,506) CANCELLATION NO. 92031984) CANCELLATION NO. 92032024) CANCELLATION NO. 92032025
v.)
GRIZZLY INDUSTRIAL, INC.)))
)
Applicant/Respondent.)

AGREED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS

Opposer/Petitioner, Pucel Enterprises, Inc., hereby requests that the discovery and testimony periods be extended two (2) months from July 3, 2004, and that the discovery and testimony periods be reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: SEPTEMBER 3, 2004

TESTIMONY PERIOD FOR PARTY IN POSITION OF DECEMBER 1, 2004 PLAINTIFF TO CLOSE (OPENING THIRTY DAYS PRIOR THERETO)

TESTIMONY PERIOD FOR PARTY IN POSITION OF FEBRUARY 1, 2005 DEFENDANT TO CLOSE (OPENING THIRTY DAYS PRIOR THERETO)

REBUTTAL TESTIMONY PERIOD TO CLOSE MARCH 16, 2005

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June 2, 2004

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(OPENING FIFTEEN DAYS PRIOR THERETO)

The parties are still in the preliminary stages of exploring the possibility of settlement. The additional time is needed to maintain the discovery period while the parties negotiate.

Respondent's attorney, Mr. Schmidt, agreed to this motion in a telephone conference on Friday, May 28, 2004.

For the foregoing reasons, Petitioner's motion should be granted.

Kenneth L. Mitchell

Ohio State Bar No. 0031587

Attorney-in-Charge

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Attorney for Opposer

CERTIFICATE OF MAILING UNDER 37 C.F.R.§1.10

I hereby certify that the attached AGREED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on June 2, 2004, Express Mail Certificate No. 374926656 US., and is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Kenneth L. Mitchell
Reg. No. 36,873

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June 2, 2004

CERTIFICATE OF SERVICE

This is to certify that a copy of the above AGREED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS was faxed to 312-222-0818, attention Mr. Schmidt, and also mailed by U.S. First Class Mail, postage prepaid, to Joseph F. Schmidt, Michael Best & Friedrich LLC, 401 North Michigan Ave., Suite 1700, Chicago, IL 60611, this 2nd day June of 2004.

Kenneth L. Mitchell